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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				WYLLIE, CHRISTOPHER T		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/552,290	WAKIM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CHRISTOPHER T. WYLLIE	2465	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 June 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18,20,21,23 and 24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18,20,21,23 and 24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10/03/2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED OFFICE ACTION

1. This action is responsive to the communication received June 19<sup>th</sup>, 2009. Claims 1, 3, 5-10, 12, 14-15, 17-18, 20-21, and 23-24. Claims 19 and 22 have been canceled. Claims 1-18, 20-21, and 23-24 have been entered and are presented for examination.
2. Application 10/552,290 is a 371 of PCT/IB03/01213 (04/03/2003).
3. Applicant's arguments, filed June 19<sup>th</sup>, 2009, have been fully considered, but deemed non-persuasive. The rejection of claims 1-18, 20-21, and 23-24 has been respectfully maintained. The rejection of the claims has been reiterated below for Applicant's convenience.

### ***Specification***

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 20-21 are rejected under 35 U.S.C. 101 because the claimed subject matter is directed to non-statutory subject matter.

Claims 20-21 recite a "computer-readable medium comprising program code", wherein the specification defines the computer readable medium as a signal per se (**see**

**Specification p. 10, lines 4-6 [a computer digital signal is provided which is embodied on in a carrier wave and represents instructions ...]).**

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1, 5-6, 8-10, 14-15, 17, and 24 are rejected under 35 U.S.C. 102(a) as being anticipated by Burton (GB 2375265).

Regarding claim 1, Burton discloses a network serving device for mediating networked services (see Figure 1, Gateway device 1), comprising: an interface component for receiving a service request message from a portable electronic terminal (p. 8, lines 17-20 [the gateway comprises a receiver operable to receive incoming messages from mobile telephones]); wherein said service request message comprises at least a tag identification sequence and a subscriber identification (p. 2 lines 5-12 [the receiver of the gateway device receives an incoming message containing identifying information specific to a user and a code specific to a product or service]); wherein said tag identification sequence has been received from a radio frequency identification tag (p.20, lines 19-22 [the mobile telephone comprises a RF reader that interrogates an RF transponder having data corresponding to a code stored in a memory]); a selection component for selecting one or more services in accordance with said tag identification sequence and said subscriber identification; wherein said interface component is

adapted for establishing a connection between said portable electronic terminal and at least one tag service provider associated with said one or more selected services for operating said one or more selected services (see Figure 3 [the first and second processors extract the users mobile number and the desired product or service and sends the information to the order generator where the order is transmitted to the vendor via transmitter 9 (see Figure 1)]).

Regarding claim 5, Burton further discloses that the interface component for establishing a connection relating to said one or more selected services is adapted to transmit an initiation request to said at least one tag service provider (see Figure 3 [the first and second processors extract the users mobile number and the desired product or service and sends the information to the order generator where the order is transmitted to the vendor via transmitter 9 (see Figure 1)]).

Regarding claim 6, Burton discloses a portable electronic terminal for accessing networked services (see Figure 2, mobile telephone 10), comprising: a subscriber identification (p. 2 lines 5-12 [the receiver of the gateway device receives an incoming message containing identifying information specific to a user and a code specific to a product or service, therefore, the mobile has subscriber information]); a radio frequency identification tag reader for receiving a tag identification sequence from a radio frequency identification tag (p.20, lines 19-22 [the mobile telephone comprises a RF reader that interrogates an RF transponder having data corresponding to a code stored in a memory]); a generating component for generating a service request message in accordance with said tag identification sequence and said subscriber

identification; wherein said service request message comprises said tag identification sequence and said subscriber identification (p. 2 lines 5-12 and p. 8, lines 17-20 [the receiver of the gateway device receives an incoming message from the mobile telephone containing identifying information specific to a user and a code specific to a product or service]), and an interface component for transmitting said service request message to a mediating service provider for establishing a connection to at least one tag service provider for operating one or more subscribed services (see Figure 2, [the mobile telephone has an antenna used to transmit messages to the gateway device]) in accordance with said tag identification sequence and said subscriber identification (see Figure 3 [the first and second processors extract the users mobile number and the desired product or service and sends the information to the order generator where the order is transmitted to the vendor via transmitter 9 (see Figure 1)]).

Regarding claim 8, Burton further discloses said interface component is adapted for receiving a service response message from said at least one tag service provider (p. 16, lines 9-11 [a confirmation may be sent directly to the user from the supplier using the contact information provided or may be sent indirectly through the gateway device to the user]) and a user interface is provided for outputting information included in said service response message (see Figure 2, Mobile Telephone 10 [the mobile has a viewing screen 11]).

Regarding claim 9, Burton discloses a system for mediating networked services, comprising a portable electronic terminal (see Figure 2, mobile telephone 10), comprising: a subscriber identification (p. 2 lines 5-12 [the receiver of the gateway

device receives an incoming message containing identifying information specific to a user and a code specific to a product or service, therefore, the mobile has subscriber information]); a radio frequency identification tag reader for receiving a tag identification sequence from a radio frequency identification tag (p.20, lines 19-22 [the mobile telephone comprises a RF reader that interrogates an RF transponder having data corresponding to a code stored in a memory]); a generating component for generating a service request message in accordance with said tag identification sequence and said subscriber identification; wherein said service request message comprises said tag identification sequence and said subscriber identification (p. 2 lines 5-12 and p. 8, lines 17-20 [the receiver of the gateway device receives an incoming message from the mobile telephone containing identifying information specific to a user and a code specific to a product or service]), and an interface component for transmitting said service request message to a mediating service provider for establishing a connection to at least one tag service provider for operating one or more subscribed services (see Figure 2, [the mobile telephone has an antenna used to transmit messages to the gateway device]); a network serving device constituting said mediating service provider (see Gateway device 1), comprising an interface component for receiving a service request message from a portable electronic terminal (p. 8, lines 17-20 [the gateway comprises a receiver operable to receive incoming messages from mobile telephones]); wherein said service request message comprises at least a tag identification sequence and a subscriber identification (p. 2 lines 5-12 [the receiver of the gateway device receives an incoming message containing identifying information specific to a user and

a code specific to a product or service]); and a selection component for selecting one or more services in accordance with said tag identification sequence and said subscriber identification; wherein said interface component is adapted for establishing a connection between said portable electronic terminal and at least one tag service provider associated with said one or more selected services for operating said one or more selected services (see Figure 3 [the first and second processors extract the users mobile number and the desired product or service and sends the information to the order generator where the order is transmitted to the vendor via transmitter 9 (see Figure 1)]).

Regarding claim 10, Burton discloses a method for mediating network services by a mediating network service provider (see Figure 1, Gateway device 1), comprising: receiving a service request message from a portable electronic terminal (p. 8, lines 17-20 [the gateway comprises a receiver operable to receive incoming messages from mobile telephones]); wherein said service request message comprises at least a tag identification sequence and a subscriber identification (p. 2 lines 5-12 [the receiver of the gateway device receives an incoming message containing identifying information specific to a user and a code specific to a product or service]); wherein said tag identification sequence has been received from a radio frequency identification tag (p.20, lines 19-22 [the mobile telephone comprises a RF reader that interrogates an RF transponder having data corresponding to a code stored in a memory]) selecting one or more services in accordance with said tag identification sequence and said subscriber identification; wherein said interface component is adapted for establishing a connection

between said portable electronic terminal and at least one tag service provider associated with said one or more selected services for operating said one or more selected services (see Figure 3 [the first and second processors extract the users mobile number and the desired product or service and sends the information to the order generator where the order is transmitted to the vendor via transmitter 9 (see Figure 1)]).

Regarding claim 14, Burton further discloses transmitting an initiation request to said at least one tag service provider (see Figure 3 [the first and second processors extract the users mobile number and the desired product or service and sends the information to the order generator where the order is transmitted to the vendor via transmitter 9 (see Figure 1)]).

Regarding claim 15, Burton discloses a method for accessing network services by a portable electronic terminal (see Figure 2, mobile telephone 10), comprising: retrieving a tag identification sequence from a radio frequency identification tag by a RFID tag reader connected to the portable electronic terminal (p.20, lines 19-22 [the mobile telephone comprises a RF reader that interrogates an RF transponder having data corresponding to a code stored in a memory]); generating a service request message in accordance with said tag identification sequence and said subscriber identification; wherein said service request message comprises said tag identification sequence and said subscriber identification (p. 2 lines 5-12 and p. 8, lines 17-20 [the receiver of the gateway device receives an incoming message from the mobile telephone containing identifying information specific to a user and a code specific to a

product or service; the message can be an short message services message]), and transmitting said service request message to a mediating service provider to establishing a connection to at least one tag service provider for operating one or more subscribed services (see Figures 2 and 3, [the mobile telephone has an antenna used to transmit messages to the gateway device; the processors extract the users mobile number and the desired product or service and send the information to the order generator where the order is transmitted to the vendor via transmitter 9 (see Figure 1)]) in accordance with said tag identification sequence and said subscriber identification; (see Figure 3 [the first and second processors extract the users mobile number and the desired product or service and sends the information to the order generator where the order is transmitted to the vendor via transmitter 9 (see Figure 1)]).

Regarding claim 17, Burton further discloses receiving a service response message from said at least one tag service provider (p. 16, lines 9-11 [a confirmation may be sent directly to the user from the supplier using the contact information provided or may be sent indirectly through the gateway device to the user]) and a displaying information comprised by said service response message to a user (see Figure 2, Mobile Telephone 10 [the mobile has a viewing screen 11 that can be used to view the message sent by the supplier or the gateway device]).

Regarding claim 24, Burton further discloses receiving a service response message from said at least one tag service provider (p. 16, lines 9-11 [a confirmation may be sent directly to the user from the supplier using the contact information provided or may be sent indirectly through the gateway device to the user]) and a displaying

information comprised by said service response message to a user (see Figure 2, Mobile Telephone 10 [the mobile has a viewing screen 11 that can be used to view the message sent by the supplier or the gateway device]).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 2-4, 11-13, and 18, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton (GB 2375265) in view of Catan (US 2002/0139859).

Regarding claim 2, Burton further discloses that the selection component comprises a service retrieving component for obtaining service information associated with said tag identification (p. 10, lines 11-19 [the second processor extracts the code and make a request to the data storage device to retrieve the data corresponding to the product or service identified by the code]). Burton is silent regarding a subscription retrieving component for obtaining subscription information associated with said subscriber identification; and a checking component for comparing said service information with said subscription information to select one or more subscribed services. However, Catan discloses such a feature (paragraph 0066, lines 7-9, 18-21, and 26-36 [the network server performs an interaction process with the data is received which includes acquiring person profile information which is stored on the server or third party database; the profile includes elements such as the user interest in sports and favorite colors; the server uses the data read from the tennis shoes and the profile information to generate a cross-selling promotion indicating that a set of tennis racquets are on sale]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of Catan into the system of Burton. The method of Catan can be implemented by enabling the first processor to access a database that contains the user's personal profile. The motivation for this is to

enable the gateway device to make a sales pitch based on the selected item and the user's interests.

Regarding claim 3, Burton further discloses said service retrieving component is adapted to access a service data storage; wherein said service data storage comprises a plurality of service information which are associated with at least one tag identification sequence for retrieval (p. 10, lines 11-19 [the second processor extracts the code and make a request to the data storage device to retrieve the data corresponding to the product or service identified by the code]). Burton is silent regarding said subscription retrieving component is adapted to access a subscription data storage; wherein said subscription data storage comprises a plurality of subscription information which is associated with at least one subscriber identification for retrieval. However, Catan discloses such a feature (paragraph 0066, lines 7-9, 18-21, and 26-36 [the network server performs an interaction process with the data is received which includes acquiring person profile information which is stored on the server or third party database; the profile includes elements such as the user interest in sports and favorite colors; the server uses the data read from the tennis shoes and the profile information to generate a cross-selling promotion indicating that a set of tennis racquets are on sale]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of Catan into the system of Burton. The method of Catan can be implemented by enabling the first processor to access a database that contains the user's personal profile. The motivation for this is to

enable the gateway device to make a sales pitch based on the selected item and the user's interests.

Regarding claim 4, the references as applied above disclose all the claimed subject matter recited in claim 2. However, Catan further discloses said subscription information comprises classification information which relates to at least one class of services (paragraph 0119, 4-15 [the preference database makes predictions on what the user may prefer based on past choices and behaviors of the user; the database uses these inferences to classify the user such as a baseball enthusiast]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further implement the method of Catan into the system of Burton. The method of Catan can be implemented by incorporating a preference database in the gateway device to create a profile indicating the habits of the user. The motivation for this is to make a sales pitch to the user about a product or service that reflects their habits or interests.

Regarding claim 11, Burton further discloses retrieving service information associated with said tag identification (p. 10, lines 11-19 [the second processor extracts the code and make a request to the data storage device to retrieve the data corresponding to the product or service identified by the code]). Burton is silent regarding retrieving subscription information associated with said subscriber identification; and comparing said service information with said subscription information to select one or more subscribed services. However, Catan discloses such a feature (paragraph 0066, lines 7-9, 18-21, and 26-36 [the network server performs an

interaction process with the data is received which includes acquiring person profile information which is stored on the server or third party database; the profile includes elements such as the user interest in sports and favorite colors; the server uses the data read from the tennis shoes and the profile information to generate a cross-selling promotion indicating that a set of tennis racquets are on sale]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of Catan into the system of Burton. The method of Catan can be implemented by enabling the first processor to access a database that contains the user's personal profile. The motivation for this is to enable the gateway device to make a sales pitch based on the selected item and the user's interests.

Regarding claim 12, Burton further discloses said retrieving service information comprises accessing a service data storage; wherein said service data storage comprises a plurality of service information which are associated with at least one tag identification sequence for retrieval (p. 10, lines 11-19 [the second processor extracts the code and make a request to the data storage device to retrieve the data corresponding to the product or service identified by the code]). Burton is silent regarding said retrieving subscription information comprises accessing a subscription data storage; wherein said subscription data storage comprises a plurality of subscription information which is associated with at least one subscriber identification for retrieval. However, Catan discloses such a feature (paragraph 0066, lines 7-9, 18-21, and 26-36 [the network server performs an interaction process with the data is

received which includes acquiring person profile information which is stored on the server or third party database; the profile includes elements such as the user interest in sports and favorite colors; the server uses the data read from the tennis shoes and the profile information to generate a cross-selling promotion indicating that a set of tennis racquets are on sale]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of Catan into the system of Burton. The method of Catan can be implemented by enabling the first processor to access a database that contains the user's personal profile. The motivation for this is to enable the gateway device to make a sales pitch based on the selected item and the user's interests.

Regarding claim 13, the references as applied above disclose all the claimed subject matter recited in claim 11. However, Catan further discloses said subscription information comprises classification information which relates to at least one class of services (paragraph 0119, 4-15 [the preference database makes predictions on what the user may prefer based on past choices and behaviors of the user; the database uses these inferences to classify the user such as a baseball enthusiast]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further implement the method of Catan into the system of Burton. The method of Catan can be implemented by incorporating a preference database in the gateway device to create a profile indicating the habits of the user. The

motivation for this is to make a sales pitch to the user about a product or service that reflects their habits or interests.

Regarding claim 18, Burton discloses a method for mediating networked services by a mediating service provider to a portable electronic terminal, comprising receiving at least a tag identification sequence from a radio frequency identification tag by a radio frequency identification tag reader connected to said portable electronic terminal (p.20, lines 19-22 [the mobile telephone comprises a RF reader that interrogates an RF transponder having data corresponding to a code stored in a memory]); generating a service request message in accordance with said tag identification sequence and subscriber information (p. 2 lines 5-12 and p. 8, lines 17-20 [the receiver of the gateway device receives an incoming message from the mobile telephone containing identifying information specific to a user and a code specific to a product or service; the message can be an short message services message]); transmitting said service request message from said portable electronic terminal to a mediating service provider (see Figure 3, Step 3 [the message is sent to the gateway device 1]); receiving said service request message from said portable electronic terminal by said mediating service provider (see Figure 3, Step 4 [the message is received by the receiver of the gateway device and sent to the processors]); and establishing a connection by said mediating service provider between said portable, electronic terminal and at least one tag service provider associated with said one or more selected services for operating said with said one or more selected services (see Figure 3 [the first and second processors extract the users mobile number and the desired product or service and sends the information to

the order generator where the order is transmitted to the vendor via transmitter 9 (see Figure 1)). Burton does not explicitly disclose selecting one or more services in accordance with said tag identification sequence and said subscriber identification information. However, Catan discloses such a feature (paragraph 0066, lines 7-9, 18-21, and 26-36 [the network server performs an interaction process with the data is received which includes acquiring person profile information which is stored on the server or third party database; the profile includes elements such as the user interest in sports and favorite colors; the server uses the data read from the tennis shoes and the profile information to generate a cross-selling promotion indicating that a set of tennis racquets are on sale]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of Catan into the system of Burton. The method of Catan can be implemented by enabling the first processor to access a database that contains the user's personal profile. The motivation for this is to enable the gateway device to make a sales pitch based on the selected item and the user's interests.

Regarding claim 20, Burton discloses all the claimed subject matter recited in claim 10, but is silent regarding a computer program product for mediating networked services, comprising load-able program code sections for carrying out the steps of claim 10, when said program is implemented in a computer program for being executed on a microprocessor based component such as a serving device. However, Catan discloses

such a feature (paragraph 0130, lines -1-8 [the function of the server is governed by a software process running on the server]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of Catan into the system of Burton. The method of Catan can be implemented by embedding the method of Burton on a computer-readable medium comprising software to be executed by a processor in order to perform the method of Burton.

Regarding claim 21, Burton discloses all the claimed subject matter recited in claim 18, but is silent regarding a computer program product for mediating networked services, wherein said computer program product is comprising program code sections stored on a computer readable medium for carrying out the method of claim 18, when said computer program product is executed on a microprocessor based component. However, Catan discloses such a feature (paragraph 0130, lines -1-8 [the function of the server is governed by a software process running on the server]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of Catan into the system of Burton. The method of Catan can be implemented by embedding the method of Burton on a computer-readable medium comprising software to be executed by a processor in order to perform the method of Burton.

12. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton (GB 2375265) in view of Schmidtberg et al. (US 2004/0145474).

Regarding claim 7, Burton discloses all the claimed subject matter recited in claim 6, but is silent regarding the radio frequency identification tag reader is adapted to receive at least said tag identification sequence and communication related data; wherein said generating component is adapted to generate said service request message in accordance with said communication related data and said interface component is adapted to transmit said service request message in accordance with said communication related data. However, Schmidtberg et al. discloses such a feature (paragraph 0019, lines 11-21 [when the dynamic EPC (electronic product code) is read, it includes one or more fields that indicate to the server information on how to decode the one or more remaining fields; a message including the dynamic EPC is sent from the reader to the server via interfaces]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of Schmidtberg et al. into the system of Burton. The method of Schmidtberg et al. can be implemented by enabling the RF reader to receive a dynamic EPC via the RF transponder. The motivation for this is to encrypt the message that is sent from the mobile telephone to the gateway device. Regarding claim 16, Burton discloses all the claimed subject matter recited in claim 15, but is silent regarding receiving communication related data from said radio frequency identification tag by said radio frequency identification tag reader, wherein said service request message is generated and transmitted in accordance with said communication related data. However, Schmidtberg et al. discloses such a feature (paragraph 0019, lines 11-21 [when the dynamic EPC (electronic product code) is read, it includes one or

more fields that indicate to the server information on how to decode the one or more remaining fields; a message including the dynamic EPC is sent from the reader to the server via interfaces]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of Schmidtberg et al. into the system of Burton. The method of Schmidtberg et al. can be implemented by enabling the RF reader to receive a dynamic EPC via the RF transponder. The motivation for this is to encrypt the message that is sent from the mobile telephone to the gateway device.

Regarding claim 23, Burton further discloses said interface component is adapted for receiving a service response message from said at least one tag service provider (p. 16, lines 9-11 [a confirmation may be sent directly to the user from the supplier using the contact information provided or may be sent indirectly through the gateway device to the user]) and a user interface is provided for outputting information included in said service response message (see Figure 2, Mobile Telephone 10 [the mobile has a viewing screen 11]).

### ***Response to Arguments***

14. On pages 1-11 of the remarks, Applicant argues that the Burton (GB 2375265) reference fails to disclose "selecting one or more services in accordance with said tag identification sequence and said user subscriber information." However, the examiner respectfully disagrees. Burton discloses that the identifying information is not limited to the user's phone number and may contain a PIN number that enables the user to place

an order, wherein an order without a PIN is not processed (**p. 14 2<sup>nd</sup> par.**). Burton further discloses that the processor of the gateway extracts information relating to the product or service as well as information relating to the supplier of the product or service (**see Figure 3, Box 6**). The gateway will not process the incoming message sent by an unauthorized party and will alert the user and the police that an unauthorized attempt has been made to order a product or service with the user's telephone (**p. 14 3<sup>rd</sup> par.**). Therefore, both the user's PIN and the code identifying the product or service are both necessary to select and process the order.

Applicant further argues that Burton's method is not the same since the claimed subscriber identification is associated with a subscriptions status as well as the kind of service to be provided. However, the examiner reminds Applicant that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

15. On page 11 of the remarks, Applicant argues that the Burton (GB 2375265) reference teaches away from the present invention. Again, the examiner reminds Applicant that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER T. WYLLIE whose telephone number is (571) 270-3937. The examiner can normally be reached on Monday through Friday 8:30am to 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher T. Wyllie/  
Examiner, Art Unit 2465

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